

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X	:	
ERNESTO ZENTENO, and NOE HUEY, on	:	
behalf of themselves and all others similarly	:	
situated,	:	
	:	
Plaintiffs,	:	<b>21 Civ. 2082 (DG) (JRC)</b>
	:	
-against-	:	<b>DECLARATION IN SUPPORT</b>
	:	<b>OF REQUEST FOR</b>
REGINA'S FAMILY PIZZA INC. d/b/a	:	<b>CERTIFICATE OF DEFAULT</b>
REGINA'S PIZZERIA and MICHAEL WARD,	:	
	:	
Defendants.	:	
-----X	:	

I, Gianfranco J. Cuadra, affirm the following under penalty of perjury:

1. I am a member of the Bar of this Court and am a partner at Pechman Law Group PLLC, attorneys for Plaintiffs Ernesto Zenteno and Noe Huey (collectively, "Plaintiffs") in the above-captioned action. I am familiar with all the facts and circumstances of this action.

2. I make this affidavit pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Rule 55.1 of the Local Civil Rules for the Southern and Eastern Districts of New York in support of Plaintiffs' application for a Clerk's Certificate of Default against Defendants Regina's Family Pizza Inc. d/b/a Regina's Pizzeria and Michael Ward (collectively, "Defendants"). A proposed Certificate of Default is attached to this affidavit.

3. Plaintiffs commenced this action on April 16, 2021 (*see* Complaint, ECF No. 1) pursuant, *inter alia*, to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*

4. On May 12, 2021, Defendants were served with copies of the summonses and Complaint by personal service on Mark Daci, a person authorized to accept service. ECF Nos. 7, 8.

5. The time for Defendants to answer or otherwise move with respect to the Complaint has expired and has not been extended.

6. Defendants have not answered or otherwise moved with respect to the Complaint. They have failed to plead or otherwise defend the action.

7. Defendants did not respond to Plaintiffs' good faith final warning letter dated June 17, 2021, advising them they must retain an attorney and file an answer or else Plaintiffs would move for an entry of a notation of default. On July 19, 2021, Plaintiffs filed a letter to the Court informing the Court of Defendants' failure to respond to Plaintiffs' final warning letter and requesting to find Defendants in default. ECF No. 10.

Plaintiffs sent a copy of the letter dated July 19, 2021, to Defendants. Defendants never replied or appeared in the Action.

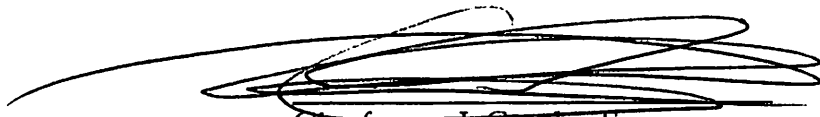
8. Defendants are not infants, incompetent, or in the military service of the United States.

WHEREFORE, Plaintiffs request that the Clerk of Court note the default of Defendants Regina's Family Pizza Inc. d/b/a Regina's Pizzeria and Michael Ward and issue certificates of default against them.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: New York, New York  
October 20, 2021

PECHMAN LAW GROUP PLLC

A large, stylized handwritten signature in black ink, appearing to read 'Gianfranco J. Cuadra', is written over the printed name and firm name.

Gianfranco J. Cuadra Esq.  
Pechman Law Group PLLC  
488 Madison Avenue, 17th Floor  
New York, New York 10022  
Tel.: (212) 583-9500  
Fax: (212) 409-8763  
cuadra@pechmanlaw.com  
*Attorneys for Plaintiffs*